

Patent US 208D1
Attorney Docket: 032,290-039
(formerly 1008-5)

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed June 2, 2003, is respectfully requested. Claims 26, 28, 30, 32, 34, 35-36, and 38 have been amended. Claim 31 has been canceled. Claims 26, 28-30, 32, and 34-38 remain pending. Support for the amendments can be found in the specification at, e.g., page 8, line 42 – page 9, line 37; page 11, line 41 – page 12, line 29; page 13, line 30 – page 14, line 16; and page 18, line 38 – page 20, line 13. Therefore, these amendments have been made without the addition of new matter.

Art Rejections

Claims 26, 28-30, and 32 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Shapland et al. (USP 5,807,306). Claim 31 was rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Shapland et al. in view of Wolff et al. (USP 5,871,535). Claim 26 has been amended to claim a “tubular braid,” adopting the language from claim 31. Shapland et al. does not teach or suggest a method for dispensing an agent into body tissue using a *tubular braid*. In addition, Wolff et al. would not be combined with Shapland et al. since Wolff et al. teaches away from the claimed invention. Wolff et al. describes the use of *stents* that elute drugs locally to treat a lumen in need of repair. It is well known that a stent is intended to be *left in the vessel* to maintain vessel support after the procedure. Wolff et al., therefore, teaches away from the claimed steps of “*contracting the radially-expandable element and tubular braid*” and “*removing the radially-expandable element and the tubular braid from the body*.” Therefore, applicants respectfully request withdrawal of the rejection and reconsideration of the amended claims.

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Claims 34-36 and 38 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Théron (USP 6,156,005). Claim 37 was rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Théron in view of Wolff et al. (USP 5,871,535). Applicants have amended claim 34 to describe the step of "*positioning the inflatable balloon, located at a first position along a catheter shaft of a catheter device, at a target site within a body passageway to enlarge the body passageway at the region of a stenosis*" and "*moving the catheter shaft through the passageway so to displace the balloon distally from the target site and positioning at the target site an axially-compressible, radially-expandable stent releasably mounted to the catheter shaft at a second position along the catheter shaft*". The Théron reference does not teach or suggest these steps. In contrast, the occlusion balloon 8 of Theron '005 is "positioned distally of the area affected by plaque deposit 3. This is to establish a protective seal for particles detached from the vessel wall during the treatment." (Col. 4, lines 11-16). And after dilation, "the dilatation balloon 18 is emptied and withdrawn through the insertion catheter 12 over the first occlusion catheter." (Col. 4, lines 26-28). Thus, the balloon is never displaced distally, as required by the claim. Thus, applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended since the Théron and Wolff references neither teach nor suggest the claimed invention.

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For all the foregoing reasons, Applicants assert the claims are in condition for allowance.

Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicants' undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-0639.

Respectfully submitted,
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